

SENATE AMENDMENTS

2nd Printing

By: Craddick

H.B. No. 3370

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain retired peace officers to
3 carry certain firearms.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1701.357(b), Occupations Code, is
6 amended to read as follows:

7 (b) The head of a state or local law enforcement agency may
8 allow an honorably retired peace officer an opportunity to
9 demonstrate weapons proficiency if the retired officer provides to
10 the agency a sworn affidavit stating that:

11 (1) the officer:

12 (A) honorably retired after not less than a total
13 of 15 years of service as a commissioned officer with one or more
14 state or local law enforcement agencies; or

15 (B) before completing 15 years of service as a
16 commissioned officer with one or more state or local law
17 enforcement agencies, separated from employment with the agency or
18 agencies and is a qualified retired law enforcement officer, as
19 defined by 18 U.S.C. Section 926C;

20 (2) the officer's license as a commissioned officer
21 was not revoked or suspended for any period during the officer's
22 term of service as a commissioned officer; and

23 (3) the officer has no psychological or physical
24 disability that would interfere with the officer's proper handling

1 of a handgun.

2 SECTION 2. Section 46.15(a), Penal Code, is amended to read
3 as follows:

4 (a) Sections 46.02 and 46.03 do not apply to:

5 (1) peace officers or special investigators under
6 Article 2.122, Code of Criminal Procedure, and neither section
7 prohibits a peace officer or special investigator from carrying a
8 weapon in this state, including in an establishment in this state
9 serving the public, regardless of whether the peace officer or
10 special investigator is engaged in the actual discharge of the
11 officer's or investigator's duties while carrying the weapon;

12 (2) parole officers and neither section prohibits an
13 officer from carrying a weapon in this state if the officer is:

14 (A) engaged in the actual discharge of the
15 officer's duties while carrying the weapon; and

16 (B) in compliance with policies and procedures
17 adopted by the Texas Department of Criminal Justice regarding the
18 possession of a weapon by an officer while on duty;

19 (3) community supervision and corrections department
20 officers appointed or employed under Section 76.004, Government
21 Code, and neither section prohibits an officer from carrying a
22 weapon in this state if the officer is:

23 (A) engaged in the actual discharge of the
24 officer's duties while carrying the weapon; and

25 (B) authorized to carry a weapon under Section
26 76.0051, Government Code;

27 (4) an active judicial officer as defined by Section

1 411.201, Government Code, who is licensed to carry a concealed
2 handgun under Subchapter H, Chapter 411, Government Code;

3 (5) an honorably retired peace officer, a qualified
4 retired law enforcement officer, or a federal criminal investigator
5 who holds a certificate of proficiency issued under Section
6 1701.357, Occupations Code, and is carrying a photo identification
7 that is issued by a federal, state, or local law enforcement agency,
8 as applicable, and that[-

9 [~~(A)~~] verifies that the officer is:

10 (A) an honorably retired peace officer;

11 (B) a qualified retired law enforcement officer;

12 or

13 (C) a federal criminal investigator [~~after not~~
14 ~~less than 15 years of service as a commissioned officer, and~~

15 [~~(B) is issued by a state or local law~~
16 ~~enforcement agency~~];

17 (6) a district attorney, criminal district attorney,
18 county attorney, or municipal attorney who is licensed to carry a
19 concealed handgun under Subchapter H, Chapter 411, Government Code;

20 (7) an assistant district attorney, assistant
21 criminal district attorney, or assistant county attorney who is
22 licensed to carry a concealed handgun under Subchapter H, Chapter
23 411, Government Code;

24 (8) a bailiff designated by an active judicial officer
25 as defined by Section 411.201, Government Code, who is:

26 (A) licensed to carry a concealed handgun under
27 Chapter 411, Government Code; and

1 (B) engaged in escorting the judicial officer; or
2 (9) a juvenile probation officer who is authorized to
3 carry a firearm under Section 142.006, Human Resources Code.

4 SECTION 3. The change in law made by this Act to Section
5 46.15, Penal Code, applies only to an offense committed on or after
6 the effective date of this Act. An offense committed before the
7 effective date of this Act is governed by the law in effect on the
8 date the offense was committed, and the former law is continued in
9 effect for that purpose. For purposes of this section, an offense
10 was committed before the effective date of this Act if any element
11 of the offense occurred before that date.

12 SECTION 4. This Act takes effect September 1, 2013.

ADOPTED

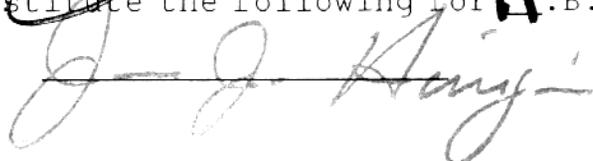
MAY 21 2013

Atty. Gen. Spaw
Secretary of the Senate

By: 

H.B. No. 3370

Substitute the following for H.B. No. 3370:

By: 

C.S. H.B. No. 3370

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain retired peace officers and
3 former reserve law enforcement officers to carry certain firearms.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter H, Chapter 411, Government Code, is
6 amended by adding Section 411.1992 to read as follows:

7 Sec. 411.1992. FORMER RESERVE LAW ENFORCEMENT OFFICERS.

8 (a) A person who served as a reserve law enforcement officer, as
9 defined by Section 1701.001, Occupations Code, not less than a
10 total of 15 years with one or more state or local law enforcement
11 agencies may apply for a license under this subchapter at any time.

12 (b) The applicant shall submit to the department two
13 complete sets of legible and classifiable fingerprints and a sworn
14 statement from the head of the law enforcement agency at which the
15 applicant last served as a reserve law enforcement officer. A head
16 of a law enforcement agency may not refuse to issue a statement
17 under this subsection. If the applicant alleges that the statement
18 is untrue, the department shall investigate the validity of the
19 statement. The statement must include:

20 (1) the name and rank of the applicant;

21 (2) the status of the applicant;

22 (3) whether the applicant was accused of misconduct at
23 any time during the applicant's term of service and the disposition
24 of that accusation;

1 (4) a description of the physical and mental condition
2 of the applicant;

3 (5) a list of the types of weapons the applicant
4 demonstrated proficiency with during the applicant's term of
5 service; and

6 (6) a recommendation from the agency head regarding
7 the issuance of a license under this subchapter.

8 (c) The department may issue a license under this subchapter
9 to an applicant under this section if the applicant was a reserve
10 law enforcement officer for not less than a total of 15 years with
11 one or more state or local law enforcement agencies and is
12 physically and emotionally fit to possess a handgun.

13 (d) An applicant under this section must pay a fee of \$25 for
14 a license issued under this subchapter.

15 (e) A former reserve law enforcement officer who obtains a
16 license as provided by this section must maintain, for the category
17 of weapon licensed, the proficiency required for the person under
18 Section 1701.357, Occupations Code. The department or the local
19 law enforcement agency at which the person last served as a reserve
20 law enforcement officer shall allow the person an opportunity to
21 annually demonstrate the required proficiency. The proficiency
22 shall be reported to the department on application and renewal.

23 (f) A license issued under this section expires as provided
24 by Section 411.183.

25 SECTION 2. The heading to Section 1701.357, Occupations
26 Code, is amended to read as follows:

27 Sec. 1701.357. WEAPONS PROFICIENCY FOR CERTAIN RETIRED

1 PEACE OFFICERS AND FEDERAL LAW ENFORCEMENT OFFICERS AND FOR FORMER
2 RESERVE LAW ENFORCEMENT OFFICERS.

3 SECTION 3. Section 1701.357, Occupations Code, is amended
4 by amending Subsections (a), (b), (c), and (d) and adding
5 Subsections (b-1), (c-1), and (j) to read as follows:

6 (a) This section applies only to:

7 (1) a peace officer;

8 (2) a federal criminal investigator designated as a
9 special investigator under Article 2.122, Code of Criminal
10 Procedure; ~~and~~

11 (3) a qualified retired law enforcement officer who is
12 entitled to carry a concealed firearm under 18 U.S.C. Section 926C
13 and is not otherwise described by Subdivision (1) or (2); and

14 (4) a former reserve law enforcement officer who
15 served in that capacity not less than a total of 15 years with one or
16 more state or local law enforcement agencies.

17 (b) The head of a state or local law enforcement agency may
18 allow an honorably retired peace officer an opportunity to
19 demonstrate weapons proficiency if the retired officer provides to
20 the agency a sworn affidavit stating that:

21 (1) the officer:

22 (A) honorably retired after not less than a total
23 of 15 years of service as a commissioned officer with one or more
24 state or local law enforcement agencies; or

25 (B) before completing 15 years of service as a
26 commissioned officer with one or more state or local law
27 enforcement agencies, separated from employment with the agency or

1 agencies and is a qualified retired law enforcement officer, as
2 defined by 18 U.S.C. Section 926C;

3 (2) the officer's license as a commissioned officer
4 was not revoked or suspended for any period during the officer's
5 term of service as a commissioned officer; and

6 (3) the officer has no psychological or physical
7 disability that would interfere with the officer's proper handling
8 of a handgun.

9 (b-1) The head of a state or local law enforcement agency
10 may allow a person who served as a reserve law enforcement officer
11 as described by Subsection (a)(4) an opportunity to demonstrate
12 weapons proficiency if the person provides to the agency a sworn
13 affidavit stating that:

14 (1) the person served not less than a total of 15 years
15 as a reserve law enforcement officer with one or more state or local
16 law enforcement agencies;

17 (2) the person's appointment as a reserve law
18 enforcement officer was not revoked or suspended for any period
19 during the person's term of service; and

20 (3) the person has no psychological or physical
21 disability that would interfere with the person's proper handling
22 of a handgun.

23 (c) The agency shall establish written procedures for the
24 issuance or denial of a certificate of proficiency under this
25 section. The agency shall issue the certificate to a retired
26 officer who satisfactorily demonstrates weapons proficiency under
27 Subsection (b), provides proof that the officer is entitled to

1 receive a pension or annuity for service with a state or local law
2 enforcement agency or is not entitled to receive a pension or
3 annuity only because the law enforcement agency that employed the
4 retired officer does not offer a pension or annuity to its retired
5 employees, and satisfies the written procedures established by the
6 agency. The agency shall issue the certificate to a person
7 described by Subsection (a)(4) who satisfactorily demonstrates
8 weapons proficiency under Subsection (b-1). The agency shall
9 maintain records of any person [~~retired officer~~] who holds a
10 certificate issued under this section.

11 (c-1) For purposes of Subsection (c) [~~this subsection~~],
12 proof that a retired officer is entitled to receive a pension or
13 annuity or is not entitled to receive a pension or annuity only
14 because the agency that last employed the retired officer does not
15 offer a pension or annuity may include a retired peace officer
16 identification card issued under Subchapter H, Chapter 614,
17 Government Code.

18 (d) A certificate issued under this section expires on the
19 second anniversary of the date the certificate was issued. A
20 person [~~retired officer~~] to whom this section applies may request
21 an annual evaluation of weapons proficiency and issuance of a
22 certificate of proficiency as needed to comply with applicable
23 federal or other laws.

24 (j) On request of a person described by Subsection (a)(4)
25 who holds a certificate of proficiency under this section, the head
26 of the state or local law enforcement agency at which the person
27 last served as a reserve law enforcement officer shall issue to the

1 person identification that indicates the person's status. An
2 identification under this subsection must include a photograph of
3 the person.

4 SECTION 4. Section 46.15(a), Penal Code, is amended to read
5 as follows:

6 (a) Sections 46.02 and 46.03 do not apply to:

7 (1) peace officers or special investigators under
8 Article 2.122, Code of Criminal Procedure, and neither section
9 prohibits a peace officer or special investigator from carrying a
10 weapon in this state, including in an establishment in this state
11 serving the public, regardless of whether the peace officer or
12 special investigator is engaged in the actual discharge of the
13 officer's or investigator's duties while carrying the weapon;

14 (2) parole officers and neither section prohibits an
15 officer from carrying a weapon in this state if the officer is:

16 (A) engaged in the actual discharge of the
17 officer's duties while carrying the weapon; and

18 (B) in compliance with policies and procedures
19 adopted by the Texas Department of Criminal Justice regarding the
20 possession of a weapon by an officer while on duty;

21 (3) community supervision and corrections department
22 officers appointed or employed under Section 76.004, Government
23 Code, and neither section prohibits an officer from carrying a
24 weapon in this state if the officer is:

25 (A) engaged in the actual discharge of the
26 officer's duties while carrying the weapon; and

27 (B) authorized to carry a weapon under Section

1 76.0051, Government Code;

2 (4) an active judicial officer as defined by Section
3 411.201, Government Code, who is licensed to carry a concealed
4 handgun under Subchapter H, Chapter 411, Government Code;

5 (5) an honorably retired peace officer, qualified
6 retired law enforcement officer, [~~or~~] federal criminal
7 investigator, or former reserve law enforcement officer who holds a
8 certificate of proficiency issued under Section 1701.357,
9 Occupations Code, and is carrying a photo identification that is
10 issued by a federal, state, or local law enforcement agency, as
11 applicable, and that [+

12 [(A)] verifies that the officer is:

13 (A) an honorably retired peace officer;

14 (B) a qualified retired law enforcement officer;

15 (C) a federal criminal investigator; or

16 (D) a former reserve law enforcement officer who

17 has served in that capacity not less than a total of 15 years with
18 one or more state or local law enforcement agencies [~~after not less~~
19 ~~than 15 years of service as a commissioned officer, and~~

20 [~~(B) is issued by a state or local law~~
21 ~~enforcement agency~~];

22 (6) a district attorney, criminal district attorney,
23 county attorney, or municipal attorney who is licensed to carry a
24 concealed handgun under Subchapter H, Chapter 411, Government Code;

25 (7) an assistant district attorney, assistant
26 criminal district attorney, or assistant county attorney who is
27 licensed to carry a concealed handgun under Subchapter H, Chapter

1 411, Government Code;

2 (8) a bailiff designated by an active judicial officer
3 as defined by Section 411.201, Government Code, who is:

4 (A) licensed to carry a concealed handgun under
5 Chapter 411, Government Code; and

6 (B) engaged in escorting the judicial officer; or

7 (9) a juvenile probation officer who is authorized to
8 carry a firearm under Section 142.006, Human Resources Code.

9 SECTION 5. The change in law made by this Act to Section
10 46.15, Penal Code, applies only to an offense committed on or after
11 the effective date of this Act. An offense committed before the
12 effective date of this Act is governed by the law in effect on the
13 date the offense was committed, and the former law is continued in
14 effect for that purpose. For purposes of this section, an offense
15 was committed before the effective date of this Act if any element
16 of the offense occurred before that date.

17 SECTION 6. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3370 by Craddick (Relating to the authority of certain retired peace officers and former reserve law enforcement officers to carry certain firearms.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to expand the authority of the head of a law enforcement agency to certify firearm qualifications for certain qualified retired peace officers and former reserve law enforcement officers. The bill would also amend the Penal Code to authorize carrying weapons by certain qualified retired peace officers and former reserve law enforcement officers in places where weapons are prohibited.

It is assumed the costs of implementing the provisions of the bill could be absorbed within current resources. The Comptroller and the Department of Public Safety have noted that because the number of reserve law enforcement officers opting to apply for a concealed handgun license at the bill's reduced application and renewal rate is unknown, the revenue impact of the bill is indeterminate.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, SD, ESi, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3370 by Craddick (Relating to the authority of certain retired peace officers and former reserve law enforcement officers to carry certain firearms.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to expand the authority of the head of a law enforcement agency to certify firearm qualifications for certain qualified retired peace officers and former reserve law enforcement officers. The bill would also amend the Penal Code to authorize carrying weapons by certain qualified retired peace officers and former reserve law enforcement officers in places where weapons are prohibited.

It is assumed the costs of implementing the provisions of the bill could be absorbed within current resources. The Comptroller and the Department of Public Safety have noted that because the number of reserve law enforcement officers opting to apply for a concealed handgun license at the bill's reduced application and renewal rate is unknown, the revenue impact of the bill is indeterminate.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, ESi, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 10, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3370 by Craddick (Relating to the authority of certain retired peace officers to carry certain firearms.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to expand the authority of the head of a law enforcement agency to certify firearm qualifications for certain qualified retired peace officers. The bill would also amend the Penal Code to authorize carrying weapons by certain qualified retired peace officers in places where weapons are prohibited. It is assumed the costs of implementing the provisions of the bill could be absorbed within current resources. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, ESi, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 23, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3370 by Craddick (Relating to the authority of certain retired peace officers to carry certain firearms.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to expand the authority of the head of a law enforcement agency to certify firearm qualifications for certain qualified retired peace officers. The bill would also amend the Penal Code to authorize carrying weapons by certain qualified retired peace officers in places where weapons are prohibited. It is assumed the costs of implementing the provisions of the bill could be absorbed within current resources. The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education

LBB Staff: UP, ESi, AI, JAW